W. Christopher Maloney (SBN 311102) Chris.Maloney@wilsonelser.com WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP 525 Market Street, 17th Floor San Francisco, California 94105-2725 Telephone: (415) 433-0990

Facsimile: (415) 434-1370

Jonathan C. Balfus, Esq. (SBN 155532) Jonathan.Balfus@wilsonelser.com WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP 555 South Flower Street, Suite 2900

Los Angeles, California 90071 Telephone: (213) 443-5100 Facsimile: (213) 443-5101

Attorneys for Defendant THE GARRIGAN GROUP. LLC dba COCO & DASH

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

HÄSTENS SÄNGAR AB. Case No.: 3:22-cv-03623-VC Judge: Hon. Vince Chhabria Plaintiff, Court Room.: 4 **DECLARATION OF DARCY** MANNING IN SUPPORT OF DEFENDANT THE GARRIGAN THE GARRIGAN GROUP D/B/A COCO & DASH. GROUP D/B/A COCO & DASH'S NOTICE OF MOTION AND Defendant. MOTION TO DISMISS FIRST AMENDED COMPLAINT PURSUANT TO FRCP RULES 12(b)(2) AND 12(b)(3) OR, ALTERNATIVELY, TO TRANSFER VENUE **Hearing Date: November 3, 2022** Time: 2:00 pm Courtroom: Action Filed: June 21, 2022 First Amended Complaint Filed: August 26, 2022 Trial Date: None

## **DECLARATION OF DARCY MANNING**

- I, Darcy Manning, declare as follows:
- 1. I am Vice President of Legal for Chairish, Inc. ("Chairish"). I submit this declaration in support of The Garrigan Group, LLC dba Coco & Dash's ("Coco & Dash") motion to dismiss the complaint in the above-captioned action. I have personal and firsthand knowledge of the facts set forth herein and, if called to testify thereto, could and would do so, competently and under oath.
- 2. Chairish is an online marketplace for rare vintage, antique and contemporary home furnishings and art. Chairish holds no inventory and lists items from over 10,000 sellers located all over America and Europe.
  - 3. In March of 2017, Coco & Dash created an account with Chairish.
- 4. Since the Coco & Dash account was created to date, Coco & Dash has sold five items via the Chairish platform. Of the five items, two items were delivered to addresses in Southern California. No other items were delivered to California.
- 5. Coco & Dash is not party to any agreements with Chairish separate from the standard online terms of service.
- 6. In October 2021, Coco & Dash listed a custom-made sofa covered in blue and white Brunschwig & Fils fabric for sale on Chairish.
- 7. In or about late 2021 or early January 2022, Chairish was contacted by Hastens Sangar AB ("Hastens"), who requested that Chairish delist the sofa.
- 8. On January 17, 2022, in response to Hastens' request, Coco & Dash's sofa was delisted from Chairish. The sofa has not been relisted on Chairish since that date.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 22nd day of July 2022 at San Francisco, California.

Darcy Manning

## CERTIFICATE OF SERVICE FEDERAL COURT PROOF OF SERVICE

United States District Court, Northern District of California Hastens Sangar AB v. The Garrigan Group d/b/a Coco & Dash Case No. 3:22-cv-03623-VC

At the time of service, I was over 18 years of age and not a party to the action. My business address is 555 South Flower Street, Suite 2900, Los Angeles, California, 90071. I am employed in the office of a member of the bar of this Court at whose direction the service was made. My electronic service address is autumn.robinson@wilsonelser.com.

On **September 23, 2022**, I served the following document(s):

DECLARATION OF DARCY MANNING IN SUPPORT OF DEFENDANT THE GARRIGAN GROUP D/B/A ) COCO & DASH'S NOTICE OF ) MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT PURSUANT TO FRCP RULES) 12(b)(2) AND 12(b)(3) OR, ALTERNATIVELY, TO TRANSFER VENUE

I served the document(s) on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

The documents were served by the following means:

[X] (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on **September 23, 2022**, at Los Angeles, California.

	/s/Autumn LeFlore Robinson	
Autumn LeFlore Robinson		

United States District Court, Northern District of California Hastens Sangar AB v. The Garrigan Group d/b/a Coco & Dash Case No. 3:22-cv-03623-VC

## **SERVICE LIST**

Erica J. Van Loon	Attorneys for Plaintiff
Andrew H. Einetroub	
NIXON PEABODY LLP	
One Embarcadero Center	
San Francisco, CA 94111-3600	
evenloon@nixonpeabody.com	
awinetroub@nixonpeabody.com	
T: (415) 984-8200; F: (415) 984-8300	
David L. May	Attorneys for Plaintiff
Jennette W. Psihoules	
NIXON PEABODY LLP	
799 9th Street NW	
Washington, DC 20001-4501	
dmay@nixonpeabody.com	
jpsihoules@nixonpeabody.com	
T: (202) 585-8000; F: (202) 585-8080	